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12 *C. R. Bard, Inc. and*
13 *Bard Peripheral Vascular, Inc.*

15 IN RE: Bard IVC Filters Products
16 Liability Litigation

No. 2:15-MD-02641-DGC

THE PARTIES' JOINT RESPONSE TO THE COURT'S SEPTEMBER 3, 2020 ORDER

(Assigned to the Honorable David G. Campbell)

20 This Document Relates To:
JAMES W. MCLEOD, JR.

CV-18-02386-PHX-DGC

22 On September 3, 2020, the Court issued an order directing the parties to explain why
23 this case should be dismissed without prejudice, rather than with prejudice, under Fed. R.
24 Civ. P. 41. See Doc. 21578. The parties are therefore providing the Court with this
25 explanation.

26 This individual plaintiff, James W. McLeod, Jr., retained two separate law firms to
27 represent him regarding his IVC filter claim. Those law firms were the Wendt Law Firm,
28 P.C. and Baron & Budd, P.C. The Wendt Law Firm filed this lawsuit on Mr. McLeod's

1 behalf, while Baron & Budd did not actually file suit. However, Mr. McLeod settled his
 2 claim as a part of Baron & Budd's inventory settlement with the defendants. Under the
 3 terms of that settlement, Mr. McLeod has already signed a release of his claims. This action
 4 filed by the Wendt firm is therefore essentially duplicative of the already-settled claim, and
 5 the Wendt Law Firm dismissed the action accordingly. The Wendt Law Firm filed the
 6 dismissal without prejudice, since the plaintiff is currently being represented by Baron &
 7 Budd for the settlement of his claim.

8 As previously noted, Mr. McLeod has already signed a release of his claims. No
 9 tolling agreement is associated with this case or its dismissal.

10 If the Court has any additional questions or concerns, the parties will of course be
 11 happy to address them.

12 RESPECTFULLY SUBMITTED this 10th day of September, 2020.

13 BEUS GILBERT MCGRODER PLLC

14 NELSON MULLINS RILEY &
 SCARBOROUGH, LLP

15 By: /s/ Samuel Mason Wendt (with
 permission)

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